

Message Text

CONFIDENTIAL

PAGE 01 STATE 021759
ORIGIN INT-05

INFO OCT-01 ISO-00 SSO-00 SS-15 SP-02 IO-13 EA-10 L-03
CIAE-00 INR-07 NSAE-00 INRE-00 NSCE-00 H-01 /057 R

DRAFTED BY OMSN:PRROSENBLATT:TJD
APPROVED BY OMSN:PRROSENBLATT
-----038365 262257Z /65

O 262225Z JAN 78
FM SECSTATE WASHDC
TO CINCPACREP GUAM/TTPI IMMEDIATE

C O N F I D E N T I A L STATE 021759

CINCPACREP: PASS TO SLNO FROM AMBASSADOR ROSENBLATT

E.O. 11652: GDS-84

TAGS: PGOV, TQ

SUBJECT: SAN DIEGO MARSHALLESE/PALAUAN FREE ASSOCIATION
PROPOSAL

1. (U) PURSUANT TO OUR TELEPHONE CONVERSATION, HERewith
IS A STATEMENT INCORPORATING OUR UNDERSTANDING OF THE
TERMS OF THE PROPOSAL ADVANCED BY THE MARSHALLESE AND
PALAUAN DELEGATIONS AT THE SAN DIEGO MEETING. I MUST
EMPHASIZE THAT THERE WERE A NUMBER OF DETAILS WHICH WE
DID NOT EXPLORE, SO THE OUTLINE WHICH FOLLOWS REPRESENTS
A COMBINATION OF SPECIFICS ACTUALLY STATED AT THE
JOINT SESSION WITH ALL DELEGATIONS AND IN TALKS WITH
MIPSC COUNSEL AND INFERENCES WHICH CAN FAIRLY BE DRAWN
FROM THOSE STATEMENTS. FOR CONVENIENCE THE REFERENCES
BELOW ARE TO THE PROPOSAL'S APPLICATION TO THE MARSHALLS.

---A. (U) THE COMPACT WOULD BE SIGNED BY A MARSHALLESE
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GOVERNMENT RATHER THAN THE MIPSC. IT APPEARS THAT
SUCH GOVERNMENT WOULD BE FORMED UNDER THE NEW DRAFT
CONSTITUTION BUT, BECAUSE EXECUTION WOULD TAKE PLACE
DURING THE TRUSTEESHIP, THAT GOVERNMENT WOULD NOT BE
IN ACTUAL POSSESSION OF THE FULL SOVEREIGNTY AC-

CORDED IT BY THE CONSTITUTION. THE STATUS OF FREE

ASSOCIATION PROVIDED FOR IN THE COMPACT WOULD TAKE EFFECT AT THE END OF THE TRUSTEESHIP, SO THERE WOULD BE NO "SCINTILLA MOMENT" OF INDEPENDENCE.

---B. (U) THE COMPACT WOULD PROVIDE THAT IT COULD NOT BE UNILATERALLY TERMINATED FOR SOME SPECIFIED PERIOD (PRESUMABLY 15 YEARS) BY THE MARSHALLESE GOVERNMENT. HOWEVER THERE WOULD BE RESERVED TO THE MARSHALLESE PEOPLE THE RIGHT TO EFFECT AN EARLIER TERMINATION BY PLEBISCITE ON THE POLITICAL STATUS OF FREE ASSOCIATION. TERMINATION OF THE POLITICAL STATUS, HOWEVER, WOULD NOT AFFECT U.S. RIGHTS IN KWAJALEIN OR OTHER U.S. DEFENSE INTERESTS IN THE MARSHALLS. THE LAND RIGHT WOULD REMAIN IN FULL FORCE AND EFFECT UNTIL THEIR PRESCRIBED EXPIRATION UNDER AGREEMENT WITH THE LANDOWNERS.

---C. (U) THE U.S. RIGHT TO CONTROL MARSHALLESE FOREIGN AFFAIRS WOULD BE LIMITED TO THOSE ASPECTS THEREOF AS RELATE TO OUR DEFENSE INTERESTS (THIS TOPIC WAS A LATE ADDITION AND WAS THEREFORE NOT EXPLORED WITH COUNSEL).

---D. (U) THE MIPSC WOULD UNDERTAKE TO INSURE THAT THERE WERE NO MARSHALLESE LEGAL OR CONSTITUTIONAL IMPEDIMENTS TO THE IMPLEMENTATION OF THIS APPROACH.

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2. (C) THE FOREGOING REPRESENTS AN ANALYSIS OF THE PROPOSAL PHRASED TO HIGHLIGHT THE POINTS OF MAJOR U.S. CONCERN. OBVIOUSLY THE FINAL COMPACT PROVISIONS WOULD BE SO COMPOSED AS TO PRESERVE NOT ONLY THESE POINTS BUT ALSO COUNTERVAILING POINTS WHICH THE MICRONESIANS WOULD WANT TO EMPHASIZE, SUCH AS THE "SOVEREIGNTY" ACCORDED THEIR GOVERNMENTS BY THEIR RESPECTIVE CONSTITUTIONS. WITH THIS CAVEAT AND THE REMARK THAT HE HADN'T HEARD OF POINT 3, STOVALL CONFIRMS THAT THE FOREGOING DESCRIPTION IS IN ACCORD WITH HIS UNDERSTANDING OF THE PROPOSAL AS EXPLAINED TO HIM IN SAN DIEGO.

3. (U) AT SAN DIEGO THE CFPST DELEGATION WAS ASKED TO EXPLORE THIS PROPOSAL WITH THE FULL COMMISSION AND TO ADVISE US WHETHER THE COMMISSION WAS PREPARED TO GO ALONG WITH IT.

4. (U) YOU MAY ALSO WISH TO NOTE THAT POINT 1.D ABOVE WAS DESIGNED BY THE MARSHALLESE TO AVERT A REPLICATION IN THE MARSHALLS OF THE PROBLEM THAT NOW

EXISTS WITH THE FSM DRAFT CONSTITUTION. CFPST ADHERENCE TO THE MARSHALLESE/PALAUAN PROPOSAL WOULD, OF COURSE, INVOLVE CFPST ACCEPTANCE OF POINT 1.D AS WELL. BUT BECAUSE THE FSM CONSTITUTIONAL PROCESS HAS PROCEEDED SO MUCH FURTHER THAN HAS THE MARSHALLESE IT WOULD BE CONSIDERABLY MORE DIFFICULT TO WORK OUT A FULLY SUFFICIENT MECHANISM TO INSURE THE ABSENCE OF A CONSTITUTIONAL IMPEDIMENT IN THE CASE OF THE FSM.

5. (C) FINALLY, STOVALL, IN A JANUARY 25 VISIT, MADE THE FOLLOWING INTERESTING POINTS:

----A. (C) THE CFPST UNDERSTANDS THE NEED FOR AN
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OVERRIDE AND IS TRYING TO EDUCATE COM TO THAT. HE IMPLIED THAT THERE WAS A SPLIT BETWEEN ANDON'S AND NAKAYAMA'S APPROACHES AND THAT WE AND THE CFPST WERE "ON THE SAME SIDE" WHERE IT COMES TO THE CFSM SITUATION.

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6. YOUR COMMENTS WILL BE APPRECIATED. AMBASSADOR ROSENBLATT SENDS. VANCE

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ORIGIN IO-14

INFO OCT-01 ISO-00 INT-05 /020 R

66011

DRAFTED BY:IO/UNP:DSCHIELE

APPROVED BY:IO:TBROWN

OMSN:DANDERSON

-----079223 281650Z /53

R 280631Z JAN 78

FM SECSTATE WASHDC

INFO USMISSION USUN NEW YORK 0000

C O N F I D E N T I A L STATE 021759

FOL STATE 021759 SENT ACTION CINCPACREP GUAM/TTPI JAN 26, 1978
REPEATED TO YOU QUOTE

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ROSENBLATT SENDS. VANCE
UNQUOTE CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FORM OF GOVERNMENT, DEPENDENCIES
Control Number: n/a
Copy: SINGLE
Draft Date: 26 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Film Number: D780039-0755
Format: TEL
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Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780118/aaaaaoul.tel
Line Count: 345
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 123109e0-c288-dd11-92da-001cc4696bcc
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Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3706306
Secure: OPEN
Status: NATIVE
Subject: SAN DIEGO MARSHALLESE/PALAUAN FREE ASSOCIATION PROPOSAL
TAGS: PGOV, TQ
To: CINCPACREP GUAM/TTPI
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/123109e0-c288-dd11-92da-001cc4696bcc
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